

1 Additionally, for the reasons stated in the Report and Recommendation, the
2 Court finds that Petitioner has not made a substantial showing of the denial of a
3 constitutional right. *See* 28 U.S.C. § 2253; Fed. R. App. P. 22(b); *Miller-El v.*
4 *Cockrell*, 537 U.S. 322, 336 (2003). Thus, the Court declines to issue a certificate
5 of appealability.

6
7
8 DATED: March 18, 2011

9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28


HON. GEORGE H. KING
UNITED STATES DISTRICT JUDGE